



CALIFORNIA TRIBAL WATER SUMMIT 2009

Protect Our Sacred Water

CTWS Planning Team
February 8, 2010

Recommended Actions for Addressing California Native American Tribal Water Issues

*from the California Tribal Water Summit, Summit Evaluations,
Regional Plenary Meetings, and the Summit Planning Team*

Origins and Use of this Document

This list of recommendations is the result primarily of conversations at the California Tribal Water Summit, held on November 4 and 5, 2009, at the Radisson Hotel in Sacramento. Around 300 people attended the Summit, including leaders, members, and representatives from 66 Tribes, 15 Tribal organizations, 13 State agencies, and 8 Federal agencies. It also includes recommendations made in participant evaluations of the Summit; the eight Regional Tribal Water Plenary meetings held in 2008 and 2009 to prepare for the Summit; and the monthly meetings of the Summit Planning Team.

Tribal perspectives emanate from several elements: cultural, in that water is sacred, belongs to all life, and that to disrupt and destroy the ecosystems dependent upon water is to threaten the survival of Native people; legal, in that Tribes have senior rights guaranteed by Federal acts and upheld by the Winters Doctrine; and practical, in that high-quality water is necessary for domestic and economic use.

The items in each section are not prioritized. The list was shared with the California Water Plan Update 2009 State Agency Steering Committee at their February 3, 2010, meeting, and will also be available on the main Summit website

<http://www.waterplan.water.ca.gov/tribal2/tws>

For the purposes of this list of Recommended Actions, the term “California Native American Tribe” signifies all Indigenous Communities of California, including those that are federally non-recognized and federally recognized, and those with allotment lands, regardless of whether they own those lands. Additionally, because some water bodies and Tribal boundaries cross State borders, this document includes Indigenous Communities in Oregon, Nevada, and Arizona that are impacted by water in California. Also, the State of California Tribal Consultation Guidelines, Supplement to General Plan Guidelines, uses the term, “California Native American tribe,” and defines this term as “a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission” (NAHC).

A. Content to be Developed for the California Water Plan

1. **DWR** should include public domain allotment lands in planning
2. **DWR** should work with Tribes to create maps that reflect Tribal lands, hydrologic regions, and recharge areas for potable water, while respecting culturally sensitive information
3. **DWR** should include Tribal boundaries and information on Geographic Information System layers used in water planning
4. *Already done* – **DWR** should integrate Bulletin 118 on Groundwater with the Water Plan
5. *Already done* – **DWR** should establish long-term plans for managing groundwater
6. **DWR** should establish long-term plans for managing flood water and storm water
7. **DWR** should emphasize the importance of long-term sustainability for water resources
8. **DWR** should develop a new California Water Plan chapter or a separate bulletin describing status of tribal water rights and water issues for each tribe similar to DWR Water District Bulletin. This document would include maps showing the tribal lands for each tribe, size of the tribe, nature of asserted water right, nature of proposed or actual use, etc.

B. California Water Plan Tribal Communication Plan and Network

1. **DWR** should lead interagency Tribal communication network
2. **DWR** should develop a resource guide for water issues and water-related emergencies
3. **DWR together with California Native American Tribes** should renew efforts to get gaming Tribes involved in water planning (*see also Tribal Communication Plan*)

C. Tribal Design for the California Water Plan Update 2013

1. **DWR** should increase Tribal representation on the California Water Plan Advisory Committee or establish a dedicated Tribal Government Advisory Committee for the Water Plan
2. **DWR** and a Tribal advisory body should discuss the potential for a future Summit

D. Department of Water Resources (other than the Water Plan)

1. **DWR** should prepare a work plan for Tribal issues
2. **DWR** should support the integration of Tribes in Integrated Regional Water Management Plan planning processes (*see also Other Agencies – Local Governments, and Tribal Governments*)
3. **DWR** should designate an executive coordinator of Tribal issues (*see also Other Agencies – Steering Committee Agencies*)

4. **DWR** should support amending the IRWMP and/or related State bond guidelines and/or requirements to (1) allow Tribes to propose projects and receive support (technical help, training, funding, etc.) directly as part of Integrated Regional Water Management Plans; (2) to emphasize the importance of partnerships (*see also Other Agencies*)
5. **DWR** should increase support (technical help, training, funding, etc.) to Tribes for groundwater assessment and planning
6. **DWR** should increase support (technical help, training, funding, etc.) to Tribes for genuine participation in local planning
7. **DWR** Division of Flood Management should provide support (technical help, training, funding, etc.) for Tribes to develop and strengthen their emergency preparedness plans as related to water resources (e.g., flooding, mudslide, and dam safety threats, potable water supply disruptions, fire-fighting water needs) (*see also Other Agencies – Cal EMA*)
8. **DWR** should work with Tribes to improve mapping of watershed resources – including Tribal lands and floodplains – while respecting culturally sensitive information
9. **DWR** should create Director’s Tribal Water Advisory Committee similar to those established for the California Departments of Transportation and of Corrections
10. **DWR** should provide support (technical help, training, funding, etc.) for Tribes to prepare their own water management plans (*see also Tribal Governments*)
11. **DWR** should prioritize the restoration and protection of salmon and other migratory fish habitats, and thereby protect the quality of life and rights of Tribes (*see also Other Agencies – Dept. of Fish and Game*)
12. **DWR** should devote greater resources to protecting water resources through watershed planning (*see also Other Agencies – Dept. of Conservation*)
13. **DWR** should clean up the toxic mining sediments associated with major dams (*see also Other Agencies – Dept. of Conservation, Water Boards*)
14. **DWR** should work with Tribes to obtain federal funding for public water facilities (*see also Other Agencies – Dept. of Public Health*)

E. Other Agencies, the Governor’s Office, and the State Legislature

In their discussions, the Planning Team emphasized the need for agencies to coordinate their efforts in order to leverage parallel activities, establish consistency, and avoid duplication.

1. **Federal Agencies and All State Agency Steering Committee Agencies** should appoint specific senior individuals to represent Tribal interests and defend Tribal rights according to the trust responsibilities set out in United States treaties, doctrines, policies, the Constitution, Spanish land grants, and other relevant document
2. **U.S. Bureau of Indian Affairs** should provide support (technical help, training, funding, etc.) to Tribes for water planning, water facilities, and associated advocacy

3. **All State Agency Steering Committee Agencies** should support adding Tribes as potential grant and loan recipients through legislation (*see also Other Agencies – State Legislature, and Tribal Governments*)
4. **All State Agency Steering Committee Agencies** should provide training and increase the financial capacity for Tribes to identify their water rights
5. **California Emergency Management Agency** should provide support (technical help, training, funding, etc.) for Tribes to develop and strengthen their emergency preparedness plans as related to water resources (e.g., flooding, mudslide, and dam safety threats, potable water supply disruptions, fire-fighting water needs) (*see also Dept. of Water Resources*)
6. **California Department of Conservation** should devote greater resources to protecting water resources through watershed planning (*see also Dept. of Water Resources*)
7. **California Department of Conservation** should clean up the toxic mining sediments associated with major dams (*see also Dept. of Water Resources, and Other Agencies – Water Boards*)
8. **California Department of Fish and Game** should make the restoration and protection of salmon and other migratory fish habitats a priority, and thereby protect the quality of life and rights of Tribes (*see also Dept. of Water Resources*)
4. **California Department of Public Health** should work with Tribes to obtain state and federal funding for public water facilities (*see also Other Agencies – Dept. of Public Health*)
9. **California Department of Transportation** should increase both federally and non-federally recognized Tribal involvement in the Department's Environmental Justice Plan
10. **Federal Emergency Management Agency** should improve mapping of watershed resources – including Tribal lands and floodplains – while respecting culturally sensitive information
11. **Local Governments** should support the integration of Tribes in Integrated Regional Water Management Plan planning processes (*see also Dept. of Water Resources, and Tribal Governments*)
12. **Water Boards** should improve Tribal involvement in Water Boards processes for any decisions directly affecting Tribal resources, including developing water flow criteria and flow standards for rivers and streams in their areas
13. **Water Boards** should improve communication with Tribes and increase Tribal representation during the amendment of Water Quality Control Plans and regional Basin Plans
14. **Water Boards** should provide information and training opportunities for Tribes to learn how to use Water Right Information access tools such as the electronic Water Rights Information Management System, in order to help Tribes better track legal and illegal diversions and support enforcement
15. **Water Boards** – insofar as the Water Boards control these, should hasten the turnaround time for water quality testing results, and ensure that results are followed-up on

16. **Water Boards** should clean up the toxic mining sediments associated with major dams (*see also Dept. of Water Resources, and Other Agencies – Dept. of Conservation*)
17. **Governor's Office** should reconcile State and Federal consultation policies
18. **Governor's Office** should appoint Tribal representatives to Regional Water Boards and the State Water Resources Control Board (*see also Tribal Governments*)
19. **Governor's Office** should elevate the status of existing State agency Tribal liaisons and convene quarterly meetings to discuss and prioritize key Tribal water-related issues for the Administration
20. **Governor's Office together with California Native American Tribes** should establish a State Office of Native American Affairs (*see also Tribal Governments*)
21. **Governor's Office of Planning & Research** should require County General Plans to have a water element that considers existing and future Tribal water rights and needs, and thus requires proposed development to anticipate and plan accordingly
22. **Governor's Office and State Legislature** should appoint a Tribal member to California Water Commission and/or Delta Conservancy
1. **State Legislature** should add Tribes as potential grant and loan recipients through legislation (*see also Other Agencies – State Agency Steering Committee Agencies, and Tribal Governments*)
23. **State Legislature** should amend the IRWMP and/or related State bond requirements and/or guidelines (1) to allow Tribes to propose projects and receive funding directly as part of Integrated Regional Water Management Plans; and (2) to emphasize the importance of partnerships (*see also DWR-Centric*)
24. **State Legislature** should amend the Water Boards' 319H/State Revolving Fund eligibility requirements to allow for non-Federally recognized Tribes to apply for the non-point source pollution reduction grant money (suggestion was to reference SB 18)
25. **State Legislature** should amend the Water Code to give priority to the senior water rights of Tribes
26. **State Legislature** should regulate groundwater use throughout California

F. Tribal Governments

1. **Governor's Office together with California Native American Tribes** should establish a State Office of Native American Affairs (*see also Tribal Governments*)
2. **California Native American Tribes** should endorse the United Nations Declaration on the Rights of Indigenous Peoples, and then lobby and force the State and Federal government to do the same
3. **California Native American Tribes** should create watershed management plans to accurately document their needs, then work to integrate these with State plans
4. **California Native American Tribes together with DWR** should renew efforts to get gaming Tribes involved in water planning (*see also Tribal Communication Plan*)

5. **California Native American Tribes** should lobby the Governor's Office to appoint Tribal representatives to Regional Water Boards and the State Water Resources Control Board (*see also Other Agencies – Governor's Office*)
6. **California Native American Tribes** should lobby for the integration of Tribes in Integrated Regional Water Management Plan planning processes (*see also Dept. of Water Resources, and Other Agencies – Local Governments*)
7. **California Native American Tribes** should prepare their own water management plans (*see also Dept. of Water Resources*)
8. **California Native American Tribes** should lobby for adding Tribes as potential grant and loan recipients through legislation (*see also Other Agencies – State Agency Steering Committee Agencies, and Other Agencies - State Legislature*)
9. **California Native American Tribes** should continue to work with not just federal agencies, but also State agencies and local government
10. **California Native American Tribes** should seek alliances with environmental, sportsmen, conservancy, and economic groups that share common interests

G. Out of Water Plan Scope

1. The endorsement of the United Nations Declaration on the Rights of Indigenous Peoples
2. The establishment of a parallel Tribal Integrated Regional Water Management Plan process
3. Require power companies to consult with Tribes regarding the environmental impacts of their rural power-generation and power-transmission activities
4. The Los Angeles Department of Water and Power should mitigate the environmental impacts of diverting Owens Valley River water to Los Angeles